JAMES O'HARA
Francis Burt Chambers
Level 25, Allendale Square
77 St Georges Terrace
PERTH WA 6000

17 March 2023

By email: HakeaOfficialVisits@justice.wa.gov.au
HakeaSwitchboard@justice.wa.gov.au

Sandi Matic
Hakea Prison
Nicholson Road
CANNING VALE WA 6155

Dear Sandi

End of engagement

I refer to our telephone conversation on 17 March 2023.

As a result of that conversation, I have formed the view that my advice as to the conduct of the case has been, and will be, rejected or ignored.

In the circumstances, I confirm that my engagement is terminated effective immediately.

I have advised the court that, given your instructions to me, I can no longer assist and have enclosed a copy of that communication for your records.

Yours faithfully

James O'Hara

CC: pavaomatic1949@gmail.com
Pavao Nikola Matic
Unit 3/19 Pollard Street
Glendalough WA 6016

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From: James O"Hara
To: Thomas Coltrona; Associate.Justice.Archer@justice.wa.gov.au
Cc: Martin Bennett; Sally Elliott
Subject: RE: Application - Yap v Matic - CIV 1106 of 2022 (116086)
Date: Friday, 17 March 2023 4:05:05 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image485490.png

Dear Associate,

I regretfully inform the Court that I have now been instructed by Mr Matic to refrain from filing documents in the form below.

I confirm that my engagement is now terminated on the basis provided for by Rule 99(g) of the Western Australian Barristers' Rules (Amended as at 23 February 2017).

I sincerely apologise both to the Court and the solicitors for the plaintiffs'.

Regards,

James O'Hara
Barrister | Francis Burt Chambers
Level 19, 77 St Georges Terrace, Perth WA 6000 | PO Box C122 Perth WA 6839
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From: Thomas Coltrona <tcoltrona@bennettlaw.com.au>
Sent: Friday, March 17, 2023 3:33 PM
To: Associate.Justice.Archer@justice.wa.gov.au
Cc: Martin Bennett <mbennett@bennettlaw.com.au>; Sally Elliott <selliott@bennettlaw.com.au>; James O'Hara <johara@francisburt.com.au>
Subject: RE: Application - Yap v Matic - CIV 1106 of 2022 (116086)

Dear Associate

I refer to your email below.

We confirm that the transferred amount of $10,854, from Sabina Matic, has been received and is now showing in our bank account, but that the amount will be formally receipted on Monday.

We await service of the materials to be filed by Mr O'Hara.

Please contact us if we can be of any further assistance to the Court.

Kind regards

Bennett
LITIGATION AND COMMERCIAL LAW

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Solicitor

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From: Associate to Justice Archer <Associate.Justice.Archer@justice.wa.gov.au>
Sent: Friday, 17 March 2023 9:50 AM
To: Martin Bennett <mbennett@bennettlaw.com.au>; James O'Hara <johara@francisburt.com.au>; Thomas Coltrona <tcoltrona@bennettlaw.com.au>
Subject: RE: Application - Yap v Matic - CIV 1106 of 2022

Dear parties

In light of the exchanges below, her Honour proposes as follows

1. Her Honour will not deal with the application before Monday, unless, by 4pm today, the plaintiffs' solicitors confirm that the money has been received. The plaintiffs' solicitors are required to check and advise at 4pm.
    a. If the plaintiffs' solicitors advise that the money has been received, and if the necessary materials have been filed as previously advised to Mr O'Hara, the matter will be dealt with on the papers.
    b. If the plaintiffs' solicitors advise that the money has not been received, and if the necessary materials have been filed as previously advised to Mr O'Hara:
        i. the matter will be listed for hearing at 1.15pm Monday 20 March.
        ii. The plaintiffs' solicitors are required to advise by 4pm today, whether they wish to seek leave to cross-examine Pavao Matic on his affidavit.

2. The plaintiffs' solicitors are required to check and advise, by 9.30am on Monday 20 March and, if not, again at 12.15pm, whether the money has been received.
    a. If the plaintiffs' solicitors advise that the money has been received, and if the necessary materials have been filed as previously advised to Mr O'Hara, the matter will be dealt with on the papers and the hearing vacated.
    b. If the plaintiffs' solicitors advise that the money has not been received, and if the necessary materials have been filed as previously advised to Mr O'Hara:
        i. the matter will be heard at 1.15pm Monday 20 March, and
        ii. if the plaintiffs' solicitors advised, pursuant to the above, that they wanted to cross-examine Pavao Matic on his affidavit, Pavao Matic will be required to attend the hearing.

If the parties have any objection to this proposal, please let me know.

Kind regards

Karnabi Hughes | Associate to the Hon Justice Archer
Supreme Court of Western Australia | 28 Barrack Street, PERTH WA 6000
t: 9421 5481 | f: 9421 5353 | e: Associate.Justice.Archer@justice.wa.gov.au

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From: Martin Bennett <mbennett@bennettlaw.com.au>
Sent: Friday, 17 March 2023 8:45 AM
To: James O'Hara <johara@francisburt.com.au>; Associate to Justice Archer <Associate.Justice.Archer@justice.wa.gov.au>
Cc: Thomas Coltrona <tcoltrona@bennettlaw.com.au>

Subject: RE: Application - Yap v Matic - CIV 1106 of 2022

Dear Associate

No payment has been received overnight into my Firm's trust account. A payment initiated after 3.00pm is likely to be processed resulting in receipt on Monday. The plaintiffs' posit6ion is that until payment is in fact received the application is premature.

Kind regards

Bennett
LITIGATION AND COMMERCIAL LAW

FIRST TIER DOYLES LITIGATION 2022

Martin Bennett
Founding Principal

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From: James O'Hara <johara@francisburt.com.au>
Sent: Friday, 17 March 2023 8:35 AM
To: Associate to Justice Archer <Associate.Justice.Archer@justice.wa.gov.au>
Cc: Martin Bennett <mbennett@bennettlaw.com.au>; Thomas Coltrona <tcoltrona@bennettlaw.com.au>
Subject: Re: Application - Yap v Matic - CIV 1106 of 2022

Dear Associate,

I confirm that I have spoken with the solicitors for the plaintiff this morning.

The parties are in agreement that no hearing is required in light of her Honour's indication.

Kind regards,

James O'Hara
Barrister | Francis Burt Chambers
Level 19, 77 St Georges Terrace, Perth WA 6000 | PO Box C122 Perth WA 6839
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Francis Burt | FRANCIS BURT CHAMBERS

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> On 17 Mar 2023, at 8:28 am, Associate to Justice Archer <Associate.Justice.Archer@justice.wa.gov.au> wrote:
>
> Dear parties
>
> I refer to the above matter and below correspondence.
>
> Before proceeding further, Mr O'Hara will need to file a notice of acting, and then file these documents through the court's electronic management system.

Once filed, her Honour proposes to deal with the matter on the papers, unless the plaintiff wishes to be heard. Accordingly, could the plaintiff's solicitors please advise, by 11am, if they do wish to be heard or if they need more time to reach that decision.

Kind regards

Karnabi Hughes | Associate to the Hon Justice Archer
Supreme Court of Western Australia | 28 Barrack Street, PERTH WA 6000
t: 9421 5481 | f: 9421 5353 | e: Associate.Justice.Archer@justice.wa.gov.au

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From: James O'Hara <johara@francisburt.com.au>
Sent: Thursday, 16 March 2023 7:33 PM
To: Associate to Justice Archer <Associate.Justice.Archer@justice.wa.gov.au>
Cc: Martin Bennett <mbennett@bennettlaw.com.au>; Thomas Coltrona <tcoltrona@bennettlaw.com.au>
Subject: Application - Yap v Matic - CIV 1106 of 2022

Dear Associate,

I act for the Defendant, Mr Sandi Matic, in the above matter.

Her Honour's orders made on 3 February 2023 required Mr Matic to pay a fine of $9,000 to the Supreme Court of Western Australia and costs of $10,854 to the plaintiffs' solicitors.

In compliance with orders 4 and 5, I confirm that those payments have this afternoon been made in full.

Pursuant to order 8 of her Honour's orders, Mr Matic now applies to be discharged from service of the term of imprisonment of three months. To that end, please find attached:

1. An affidavit of Mr Pavao Matic.
2. A minute of proposed orders.

In the event that the three month term is set aside, it remains for Mr Matic to serve the cumulative term of 21 days imprisonment imposed by Solomon J on 23 February 2023.

Having only received the matter this afternoon, I have not been able to find an instructing solicitor, nor to file documents. I have conferred with Mr Martin Bennett generally although he has not had the opportunity to review the proposed orders.

It is respectfully requested that a hearing be listed at short notice, not before 11.00am tomorrow, so that the application may be formally ruled upon.

Regards,

James O'Hara
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